



General Assembly

January Session, 2009

Raised Bill No. 811

LCO No. 2800

02800_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE UNAUTHORIZED PRACTICE OF LAW.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 51-88 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2009*):

3 (a) [A] Unless a person is providing legal services pursuant to
4 statute or rule of court, a person who has not been admitted as an
5 attorney under the provisions of section 51-80 or has been disqualified
6 from the practice of law due to resignation, disciplinary suspension,
7 disbarment or being placed on inactive status shall not: (1) Practice law
8 or appear as an attorney-at-law for another, in any court of record in
9 this state, (2) make it a business to practice law, or appear as an
10 attorney-at-law for another in any such court, (3) make it a business to
11 solicit employment for an attorney-at-law, (4) hold himself or herself
12 out to the public as being entitled to practice law, (5) assume to be an
13 attorney-at-law, (6) assume, use or advertise the title of lawyer,
14 attorney and counselor-at-law, attorney-at-law, counselor-at-law,
15 attorney, counselor, attorney and counselor, or an equivalent term, in
16 such manner as to convey the impression that he or she is a legal

17 practitioner of law, or (7) advertise that he or she, either alone or with
18 others, owns, conducts or maintains a law office, or office or place of
19 business of any kind for the practice of law.

20 (b) Any person who violates any provision of this section shall be
21 fined not more than two hundred [and] fifty dollars or imprisoned not
22 more than two months or both. The provisions of this subsection shall
23 not apply to any employee in this state of a stock or nonstock
24 corporation, partnership, limited liability company or other business
25 entity who, within the scope of his employment, renders legal advice
26 to his employer or its corporate affiliate and who is admitted to
27 practice law before the highest court of original jurisdiction in any
28 state, the District of Columbia, the Commonwealth of Puerto Rico or a
29 territory of the United States or in a district court of the United States
30 and is a member in good standing of such bar. For the purposes of this
31 subsection, "employee" means any person engaged in service to an
32 employer in the business of his employer, but does not include an
33 independent contractor.

34 (c) Any person who violates any provision of this section shall be
35 deemed in contempt of court, and the Superior Court shall have
36 jurisdiction in equity upon the petition of any member of the bar of
37 this state in good standing or upon its own motion to restrain such
38 violation.

39 (d) The provisions of this section shall not be construed as
40 prohibiting: (1) A town clerk from preparing or drawing deeds,
41 mortgages, releases, certificates of change of name and trade name
42 certificates which are to be recorded or filed in the town clerk's office
43 in the town in which the town clerk holds office; (2) any person from
44 practicing law or pleading at the bar of any court of this state in his or
45 her own cause; (3) any person from acting as an agent or
46 representative for a party in an international arbitration, as defined in
47 subsection (3) of section 50a-101; or (4) any attorney admitted to
48 practice law in any other state or the District of Columbia from

49 practicing law in relation to an impeachment proceeding pursuant to
50 Article Ninth of the Connecticut Constitution, including an
51 impeachment inquiry or investigation, if the attorney is retained by (A)
52 the General Assembly, the House of Representatives, the Senate, a
53 committee of the House of Representatives or the Senate, or the
54 presiding officer at a Senate trial, or (B) an officer subject to
55 impeachment pursuant to said Article Ninth.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>July 1, 2009</i>	51-88
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Statement of Purpose:

To revise the exceptions from the prohibition on practicing law without being admitted as an attorney.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]